

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.23697 of 2014

and

M.P.No.1 of 2014

1.T.K.Baby Ammal
2.V.Pushparani
3.V.Kalaiyarasi
4.S.V.Jayaraghavan
5.V.Rajagopal
6.V.Gomathi

..Petitioners

..Vs..

1.The Director of School Education,
Office of the Directorate of School Education,
College Road, Chennai-600 006.
2.District Elementary Educational Officer,
Office of the District
Elementary Educational Officer,
Fort, Vellore.
3.Municipal Commissioner,
Vaniyambadi Municipality,
Vaniyambadi,
Vellore District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition, forbearing the respondents from interfering with the petitioners' peaceful possession of Plot No.12 in Ward-E, Block 4, T.S.No.14/1A in Vaniyambadi.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.A.Rajaperumal
for R 1 & R 2
Additional Government Pleader
Mr.P.Sanjay Gandhi for R 3

ORDER

The relief sought for in this writ petition is to forbear the respondents from interfering with the petitioners' peaceful possession of Plot No.12 in Ward-E, Block 4, T.S.No.14/1A in Vaniyambadi.

2.The learned counsel appearing on behalf of the writ petitioner vehemently contended that the writ petitioner is the absolute owner of the property which is in question. However, the respondents 1 and 2 are interfering with the peaceful possession of the writ petitioner from the said property. The learned counsel for the writ petitioner further contended that the father of the writ petitioner, and the writ petitioners are in possession and enjoyment of the house site bearing Plot No.12 without any let or hindrance. Further the Deputy Director of Town and Country Planning, Vellore approved the lay out.

3.Accordingly, the father of the writ petitioner along with the writ petitioners constructed a house in the said plot. The learned counsel for the petitioner further stated that the land was conveyed on them through a gift deed executed on 16.01.1969. It is not disputed by the respondents. Be that as it may, this Court is of an opinion that the gift deed executed and other documents relating to the title of a property ought to be adjudicated before the Competent Civil Court of law. Declaration of title or possession are subject matters to be adjudicated by way of a full fledged trial by adducing evidence and by filing documents before the Competent Civil Court of law. Under Article 226 of the Constitution of India this Court cannot ascertain the title or otherwise of a person, or in respect of their possession. All these are the points to be adjudicated by way of trial. In this view of the matter, the relief as such sought for, in this writ petition forbearing the respondents from interfering with the peaceful possession of the writ petitioner cannot be granted.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

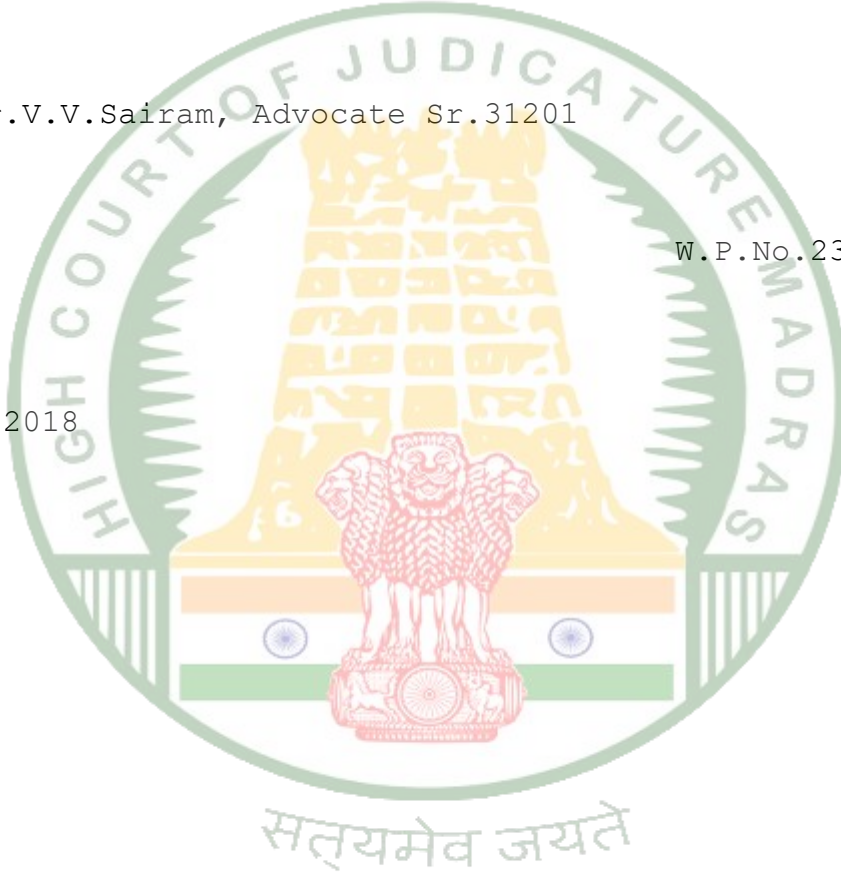
KP
To

- 1.The Director of School Education,
Office of the Directorate of School Education,
College Road, Chennai-600 006.
- 2.The District Elementary Educational Officer,
Office of the District
Elementary Educational Officer,
Fort, Vellore.

+1cc to Mr.V.V.Sairam, Advocate Sr.31201

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srg 23/05/2018



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